

NO. 19,058-A

STATE OF TEXAS

§
§
§
§
§
§

IN THE 159TH

v.

DISTRICT COURT

DESIREE SHAW

ANGELINA COUNTY, TEXAS

AFFIDAVIT OF DAVID V. WILSON, II

THE STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, personally appeared DAVID WILSON, who after being duly sworn, upon her oath deposed and stated:

"My name is David V. Wilson, II. I am over the age of 18 years and capable of making this Affidavit. The following facts are true and correct and based upon my personal knowledge.

"I was trial prosecutor for the State of Texas in the above cause. Prior to trial, John Heath (defense counsel) was offered the opportunity to review the witness statements in the case. He accepted that offer and reviewed those statements at my office. He was provided all lab reports that I had in my file. He retained an expert in criminology who was allowed by the trial court to remain in court to assist in cross-examination of my crime scene expert.

"Heath appeared well prepared throughout the trial. He presented no case-in-chief. However, his client had given multiple inconsistent statements before trial. She made a poor witness in the punishment phase. She was the only witness to the decedent's shooting and its aftermath. To have called Desiree in the guilt phase of the trial would have been a mistake. To rest when Heath did was the soundest trial strategy under the circumstances.

"With respect to Shaw's allegations of the prosecution "suppressing" evidence favorable to the defense, these are categorically false. I have reviewed my personal recollection, the Court of Appeals opinion, and the trial record, as well as Ms. Shaw's entire Petition for Writ of Habeas Corpus. I am aware of no exculpatory evidence in anyone's possession. The testing of Ms. Shaw's hands was revealed to the defense: this is the only evidence which is even arguably exculpatory. Ms. Shaw's conclusory allegations of evidence withholding by the prosecution are false and/or incorrect."

FURTHER, AFFIANT SAYETH NOT.

David V. Wilson

DAVID V. WILSON, II

SWORN TO AND SUBSCRIBED BEFORE ME on this the 3rd day
of April, 2003.



Erin L. Patrick
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS